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Prepared by: Commissioner J.W. Gibson

Approved by: Kathy K. Johnson
Assistant County Attorney

RESOLUTION TO PROHIBIT HANDGUNS WHILE WITHIN OR ON A PUBLIC PARK, WILDLIFE MANAGEMENT AREA, NATURAL AREA, HISTORIC PARK, NATURE TRAIL, CAMPGROUND, FOREST, GREENWAY, WATERWAY OR OTHER SIMILAR PUBLIC PLACE OWNED OR OPERATED BY SHELBY COUNTY GOVERNMENT. SPONSORED BY COMMISSIONER J.W. GIBSON AND CHAIRMAN DEIDRE MALONE.

WHEREAS, Tennessee Code Annotated, Section 39-17-1311 (b)(1) regulates the carrying or possession of weapons in public recreational areas; and

WHEREAS, The Tennessee State Legislature amended the aforementioned statute by passing House Bill Number 716 (Hereinafter “HB 716”) and Senate Bill Number 976 (Hereinafter “SB 976”), effective beginning September 1, 2009, adding subsection (I), which allows the possession of a handgun, by persons who are authorized to carry such handgun pursuant to Tennessee Code Annotated Section 39-17-1351, while within or on a public park, wildlife management area, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof, as more fully set forth in the attached Exhibit A; and

WHEREAS, said legislation provides that any county may prohibit, by resolution

adopted by a majority vote of its legislative body, such persons authorized to carry a handgun, from possessing such handgun while within or on a public park or other recreational area that is owned or operated by a county, a municipality or instrumentality thereof; and

WHEREAS, it is the desire of the Shelby County Board of Commissioners to exercise Shelby County Government's statutory right to continue prohibiting the carrying of handguns in a public park, wildlife management area, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place or recreational area owned or operated by Shelby County Government.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that it shall be the intent of Shelby County Government to exercise the statutory option to prohibit the carrying of handguns, pursuant to Tennessee Code Annotated Section 39-17-1311(d).

BE IT FURTHER RESOLVED, that Shelby County Government hereby prohibits the possession of a handgun, by persons who are authorized to carry such handgun pursuant to Tennessee Code Annotated Section 39-17-1351, while within or on a public park, wildlife management area, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by Shelby County Government.

BE IT FURTHER RESOLVED, that the prohibition shall apply to the entire park, notwithstanding the provisions of T.C.A. 39-17-1311(b)(1)(I), and that Shelby County

Government shall display in prominent locations the sign authorized by 39-17-1311(c)(1), to give notice that handguns are not permitted in the park, and violation of said law is punishable as a Class A misdemeanor.

BE IT FURTHER RESOLVED, That this Resolution shall take effect immediately upon its adoption, the public welfare requiring the same.

A C Wharton, Jr.
Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

Adopted: _____

SUMMARY SHEET

I. Description of Item

Recently, the Tennessee Legislature amended TCA 39-17-1311 to allow holders of properly issued handgun carry permits to carry handguns within state, national and local parks within the State of Tennessee. This legislation, House Bill 716 and Senate Bill 976, was signed into law on June 12, 2009 and becomes effective on September 1, 2009 as it pertains to local park land. Contained in that legislation is authorization for local governments to “opt out” or continue a ban on all handguns within their own parks. The Shelby Farms Park Conservancy met on June 2, 2009 and voted to request that the Shelby County Board of Commissioners take action as permitted by statute to continue to ban handguns in Shelby Farms Park. The Shelby County Conservation Board met on June 16, 2009 and also voted to request that the Shelby County Board of Commissioners take such action to continue to ban handguns in all public parks, wildlife management areas, natural areas, historic parks, nature trails, campgrounds, forests, greenways, waterways or other similar public places that are owned or operated by the Shelby County Conservation Board. The Chickasaw Basin Authority has jurisdiction over the Wolf River Wildlife Area and Trail and will meet in its regularly scheduled meeting on July __, 2009 to consider a recommendation on this issue. It is anticipated that the Chickasaw Basin Authority will also recommend action consistent with the Shelby Farms Park Conservancy and the Shelby County Conservation Board.

In addition to Shelby County Government action, it has been reported that Bartlett, Lakeland, Arlington, Germantown, Collierville and the City of Memphis are in the process of considering similar action to ensure the safety of their local parks.

II. Source and Amount of Funding

N/A

III. Contract Items

None

IV. Additional Information Relevant to Approval of this Item